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April 19, 2024

Via Electronic Mail

Dr. Leigh Anderson
Executive Director
City of Cleveland Police Accountability Team
601 Lakeside Ave.
Cleveland, OH 44114

Re: Notice of Crisis Intervention Compliance Assessment
United States of America v. City of Cleveland, 15-cv-01046-SO

Dear Dr. Anderson,

Pursuant to Consent Decree ¶¶ 360, 367, the Monitoring Team will conduct audits to determine whether the City of Cleveland (“City”) and Cleveland Division of Police (“CDP”) have complied with the requirements of the Consent Decree, as well as qualitative and quantitative assessments to measure whether implementation has resulted in constitutional policing. This letter constitutes official notice that on May 27, 2024, the Monitoring Team will begin a formal assessment of the City and CDP’s compliance with the Crisis Intervention (“CIT”) provisions of the Consent Decree, including assessment of the outcome measurements associated with CIT compliance (¶¶ 131-159; 367(b)). To complete its assessment, the Monitoring Team will utilize the CIT Methodology developed in consultation with both the City and the Department of Justice and attached hereto as **Exhibit A**.

The 2024 CIT Assessment will be conducted to ensure that the City and CDP’s CIT program is (a) assisting individuals in crisis; (b) improving the safety of officers, consumers, family members, and others within the community; (c) providing the foundation necessary to promote community and statement solutions to assist individuals with mental illness; and (d) reducing the need for individuals with mental illness to have further involvement with the criminal justice system. (¶ 131).

Assessment Framework

As part of this assessment, each CIT-related provision of the Consent Decree will be given a Compliance Grade from 0 to 6, with 0 indicating that the City/CDP has not yet begun working on the provision and 6 indicating that the City/CDP has achieved substantial and effective compliance with that provision.

A. Incorporation of Semi-Annual Reviews And Reports

The Monitoring Team evaluates compliance with sections of the Consent Decree throughout the year and communicates its observations, assessments, and findings twice each year through its semi-annual reports (¶¶ 360, 375). These compliance reviews consider the totality of evidence presented and observed with respect to each provision of the Consent Decree, including review of policies and annual reports,

interviews and meetings with the City and CDP as well as Cleveland community groups, and observation of trainings and internal meetings.

As the City and CDP progress through the implementation phase of the Consent Decree, the Monitoring Team will conduct Compliance Assessments that build upon reviews conducted in advance of each semi-annual report. These Compliance Assessments will apply a Compliance Grading system (detailed below) in evaluating each provision of the Consent Decree, with the goal of the City/CDP achieving substantial and effective compliance for each provision.

In order to incorporate and build upon prior semi-annual compliance reviews and reports, the Monitoring Team will review the four most recent semi-annual reports in advance of the CIT Compliance Assessment. Any CIT-related provision that has been graded “general compliance” for more than two years (i.e., four consecutive reports) will be presumptively considered in substantial and effective compliance. For any such provision presumptively considered in substantial and effective compliance, the Monitoring Team will review the provision as part of its formal Compliance Assessment in order to validate its compliance grade. If the Compliance Assessment validates that provision as substantially and effectively compliant, the Monitoring Team will not re-assess that provision in future Compliance Assessments. The Monitoring Team will, however, continue to review and report on that provision in its semi-annual reports; if those reviews or reports suggest a downgraded change in status at any point, the provision will once again be incorporated into future Compliance Assessments.

B. Compliance Grading

As part of the Compliance Assessment, Subject Matter Experts (“SMEs”) on the Monitoring Team will review data, records, and documents pertaining to each CIT-related Consent Decree provision (§§ 131-159; 367(b)). Following this review and analysis, the SMEs will compare findings and collectively award Compliance Grades using the following framework:

Grade	Definition
0	Non-compliant, Not Started: The City/CDP has not yet complied with the relevant provision of the Consent Decree. This includes instances in which the City/CDP’s work or efforts have begun, but cannot yet be certified by the Monitoring Team as compliant with a material component of the requirement.
1	Partial Compliance, Not Assessed: The City/CDP has initiated the implementation phase for the requirement, but the Monitoring Team has not yet assessed the City/CDP’s progress in implementation. ¹
2	Partial Compliance, Planning/Policy Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key components of the provision of the Consent Decree pertaining to drafting or creating

¹ If the Monitoring Team believes a provision cannot be assessed for a particular reason (e.g., lack of access to data/information required for evaluation, etc.), it will inform the City in advance of any planned Compliance Assessment. With respect to the CIT Compliance Assessment, the Monitoring Team anticipates assessing all CIT-related provisions (§§ 131-159; 367(b)) such that none are expected to be graded as “Partial Compliance, Not Assessed (1).”

	<p>policies, processes, protocols, trainings, systems, or the like that exist on paper but do not exist or function in day-to-day practice.</p>
3	<p>Partial Compliance, Implementation Phase: The City and/or CDP has made sufficient initial strides or sufficient partial progress toward compliance with key components of the provision of the Consent Decree pertaining to initiating training and implementing systems intended to affect day-to-day practice, but that the Monitoring Team has not yet observed in practice. It may capture a wide range of compliance states or performance, from the City or CDP having taken only very limited steps toward operational compliance to being nearly in operational compliance.</p>
4	<p>Operational Compliance: The City and/or CDP has made notable progress to technically comply with the requirement and/or policy, process, procedure, protocol, training, system, or other mechanism of the Consent Decree such that it is in existence or practice operationally—but has not yet demonstrated, or has not yet been able to demonstrate, meaningful adherence to or effective implementation, including across time, cases, and/or incidents. This includes instances where a given reform is functioning but has not yet been shown, or an insufficient span of time or volume of incidents have transpired, to be effectively implemented in a systemic manner.</p> <p>Operational compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>
5	<p>General Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented such that the Monitoring Team will begin tolling according to ¶ 401. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.</p> <p>General compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>
6	<p>Substantial and Effective Compliance: The City and/or CDP has complied fully with the requirement and the requirement has been demonstrated to be meaningfully adhered to and/or effectively implemented across time, cases, and/or incidents in accordance with ¶ 401 or ¶ 370. This includes instances where it can be shown that the City or CDP has effectively complied with a requirement fully and systemically.</p> <p>Substantial and effective compliance for a provision does not require that the City/CDP “pass” every metric for that provision, rather the Monitoring Team considers the City/CDP’s performance across all metrics, weighting them according to their importance to transforming CDP’s policing.</p>

Data, Document, and Record Requests²

The Monitoring Team requests that the City provide the following data, documents, and records pertaining to information dated January 1, 2023-December 31, 2023:

1. The current CDP job description for the Crisis Intervention Coordinator (§§ 137-142).
 - a. To the extent available, please include results from any officer satisfaction surveys or officer feedback provided on the CIT program during the relevant time period.
2. Mental Health Response Advisory Committee (“MHRAC”) related-documents from January 1, 2023-December 31, 2023, or a link to the website URL containing such information, including:
 - a. A list of MHRAC committee members, including their associated organizations/positions within the community, City, or CDP (§§ 132-133); and
 - b. Minutes from MHRAC meetings and all subcommittee meetings during the relevant time period (§§ 133-134, 139).³
3. Records, such as emails or written descriptions, demonstrating the Coordinator’s ongoing relationships or partnerships with program stakeholders such as advocates, individuals, families, caregivers, professionals, and others associated with the mental health community (§ 138).
4. Records demonstrating the dates, names of attendees, and length of training for Specialized CIT officers during the relevant period, including the training materials provided to the officers during each training and who led/conducted the training (§§ 141, 145-147).
 - a. This includes the names of all Specialized CIT officers as of December 31, 2023 along with their start (and end, if applicable) dates at CDP.
5. Records demonstrating the recruitment process for Specialized CIT officers, including documents showing CDP evaluation of the candidate's eligibility, fitness to serve, written application forms, supervisory recommendations, disciplinary files, and notes or documents from in-person interviews. Please also include any documents or communications demonstrating the CIT Coordinator and other supervisor efforts with respect to this process. (§§ 141, 145, 148, 149).
 - a. Per the CIT Methodology, if available documentation is not sufficient to assess compliance with the requirements of these paragraphs, the assessment may be supplemented with interviews of a sample of supervisors who can speak to the referral and selection process.
6. Records demonstrating how CIT officers, call-takers, and dispatchers have been recognized, honored, or awarded during the relevant time period, including the meeting notices and documents pertaining to the Purcell Award (§ 142).

² The Monitoring Team’s document review will not be limited to the materials requested. To the extent materials have been previously provided to the Monitoring Team, or are otherwise publicly available on the City/CDP/MHRAC’s website or court docket (e.g., MHRAC’s Annual Report (§ 135)), the Monitoring Team will access and review those materials as part of the assessment.

³ MHRAC’s website currently lists the committee members as of March 2024 (*see* https://clevelandhealth.org/assets/documents/health/MHRAC/MHRAC_members_3-15-2024.pdf) as well as minutes for all 2024 meetings. Because this assessment will review documents from 2023, the Monitoring Team seeks historical information as well.

7. Divisional notices of impending CIT trainings and classes (§§ 141, 143).
8. Records demonstrating the dates, attendees, and length of all CIT-related trainings during the relevant period, including the training materials provided during each training and the names of individual(s) who lead/conducted each training (§§ 143-144).
 - a. This includes all CIT-related trainings for CDP officers (§ 143) along with the total number of CDP officers as of December 31, 2023.
 - b. This includes all CIT-related trainings for new recruits in the Academy (§ 143) along with the total number of new recruits for the year as of December 31, 2023.
 - c. This includes all CIT-related trainings for dispatchers (§ 144) along with the total number of dispatchers as of December 31, 2023.
 - d. This includes all CIT-related trainings for Field Training Officers (§ 150) along with the total number of Field Training Officers as of December 31, 2023. To the extent this training is substantively the same as materials provided under Paragraph 4, please indicate as much.
9. A list of officers who served as supervisors during the relevant time period. To the extent possible, please include promotion/start dates for those elevated to supervisory positions during 2023 and end dates for those who departed CDP (§ 151).
10. A spreadsheet detailing all LERMS incident numbers from 2023 that are labeled as CIT incidents or that have an associated BRAZOS CIT form, including columns containing the associated data:
 - a. the CAD call type associated with the incident;
 - b. the race, age, and gender of the individual involved;
 - c. the shift and sector/neighborhood the incident occurred in;
 - d. notation of whether force was used;
 - e. notation of whether a CIT officer was present;
 - f. notation of whether a supervising officer was present; and
 - g. the disposition or outcome of the incident (arrest, citation, emergency room, etc.).
11. A spreadsheet detailing all CAD calls from 2023 with any of the following call types: (i) suicide threats; (ii) crisis intervention – nonviolent; (iii) mental – nonviolent disturbing; (iv) crisis intervention – violent; and (v) mental – violent, including the following information associated with each call gathered from LERMS:
 - a. the LERMS call type associated with the incident;
 - b. the race, age, and gender of the individual involved;
 - c. the shift and sector/neighborhood the incident occurred in;
 - d. notation of whether force was used;
 - e. notation of whether a CIT officer was present;
 - f. notation of whether a supervising officer was present; and
 - g. the disposition or outcome of the incident (arrest, citation, emergency room, etc.).

April 19, 2024

We request that the City and CDP provide the requested information detailed in **paragraphs 1-9 by May 15, 2024**. We request that the City and CDP provide the spreadsheet data requested in **paragraphs 10-11 by May 1, 2024**. This will enable the Monitoring Team to begin a pilot assessment designed to ensure efficacy of the survey methodology, reliability of the review process, and consistency across reviewers in advance of commencement of the comprehensive CIT Compliance Assessment.

We thank the City, CDP, and the PAT team in particular, for coordinating with the Monitoring Team to arrange a “walk through” of relevant data systems with our SMEs prior to commencement of the scheduled 2024 assessments.

Please do not hesitate to contact me with any questions or concerns regarding the assessment or these requests.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'KR' or similar initials, written in a cursive style.

Karl Racine
Independent Monitor